

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nai-Kong V. CHEUNG
U.S. Patent No. : 7,507,724 B2
U.S. Serial No. : 10/621,027
Issued : March 24, 2009
Confirmation No.: 2089
Examiner : Eric Olson
Art Unit : 1623
For : THERAPY-ENHANCING GLUCAN

Law Offices of Albert Wai-Kit Chan, PLLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, New York 11357

June 5, 2009

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

**REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 CFR 1.322 AND 1.323**

Applicant hereby submits a request for a Certificate of Correction in connection with the above-identified issued patent.

Upon review of the issued patent, Applicant noticed that all of the references submitted in the June 6, 2008 Supplemental Information Disclosure Statement (SIDS) have been omitted from Section (56) "References Cited". This SIDS is attached hereto as **Exhibit 1 (6 pages)**. The SIDS was reviewed and discussed in the September 22, 2008 Notice of Allowance, pages 3-5, attached hereto as **Exhibit 2 (3 pages)**. Furthermore, the office of Applicant's undersigned attorney spoke with Valerie in the

Applicant : Nai-Kong V. CHEUNG
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Art Unit : 1623
Date of Communication : 06/5/2009

Certificate of Correction Department who suggested filing for a Certificate of Correction in order to add the references to the patent.

Form PTO/SB/44, attached hereto as **Exhibit 3 (4 pages)**, lists the specific references that should be added to the patent, and other clerical and typographical errors that need to be corrected in the patent. Applicant submits that the corrections do not constitute new matter. Applicant hereby authorizes the Certificate of Correction fee of ONE HUNDRED DOLLARS (\$100.00) as set forth in 37 CFR 1.20(a) to be charged to Deposit Account No. 50-1891.

If a telephone interview would be of assistance in facilitating the request for a Certificate of Correction, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below. No fee is deemed necessary in connection with the filing of this Request other than the Certificate of Correction fee of ONE HUNDRED DOLLARS (\$100.00). However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai-Kit Chan/WK

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EXHIBIT 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. Serial No. : 10/621,027
Confirmation No. : 2089
Filed : July 16, 2003
Examiner : Eric Olson
Art Unit : 1623
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Whitestone, NY 11357

June 6, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with his duty of disclosure under 37 C.F.R. §1.56, Applicant would like to direct the Examiner's attention to the following references which are also listed on Forms PTO/SB/08A and PTO/SB/08B (attached hereto as **Exhibit A**). References 23, 26-28 and 34-36 are further attached respectively as **Exhibits 1-7**.

The U.S. Patents listed (References 1-21) and the U.S. Application Publication listed (Reference 22) are on file at the USPTO; therefore, in accordance with 37 C.F.R. 1.98, copies of these references are not provided. However, the office of the Applicant's attorney may be contacted in the event that the Examiner would like a copy of any of references 1-22.

Applicant	: Nai-Kong CHEUNG	Atty. Dkt. No.	: 639-B-PCT-US
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Copies of the References 24-25 and 29-33 were previously submitted in a related application on December 26, 2007 (U.S. Serial No. 11/218,044, Atty. Dkt. #639-BZ-PCT-US) and are available at the USPTO; therefore, copies of these references are not provided. The office of the Applicant's attorney may be contacted in the event that the Examiner would like a copy of any of these references.

1. U.S. Patent No. 3,975,553, August 17, 1976, GRIFFON, Henri, "Deproteination of yeast cells."
2. U.S. Patent No. 4,251,519, February 17, 1981, ROBBINS et al., "Process for the prevention and reduction of elevated blood cholesterol and triglycerides levels."
3. U.S. Patent No. 4,343,784, August 10, 1982, MASSOT et al., "Composition and method employing extracts of Hansenula as a medicament."
4. U.S. Patent No. 4,454,289, June 12, 1984, NAKAJIMA et al., "Polysaccharides having anticarcinogenic activity and method for producing same."
5. U.S. Patent No. 4,705,780, November 10, 1987, MASSOT et al., "Medicaments containing Pichia or extracts thereof."
6. U.S. Patent No. 4,900,722, February 13, 1990, WILLIAMS et al., "Methods and compositions for prophylactic and therapeutic treatment of infections."
7. U.S. Patent No. 4,926,094, May 15, 1990, BONDESON et al., "High-performance gyrotron for production of electromagnetic millimeter or submillimeter waves."

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8. U.S. Patent No. 4,992,540, February 12, 1991, JAMAS et al., "Glucan composition and process for preparation thereof."
9. U.S. Patent No. 5,037,972, August 6, 1991, JAMAS et al., "Glucan composition and process for preparation thereof."
10. U.S. Patent No. 5,532,223, July 2, 1996, JAMAS et al., "Use of aqueous soluble glucan preparation to stimulate platelet production."
11. U.S. Patent No. 5,576,015, November 19, 1996, DONZIS et al., "Substantially purified beta (1,3) finely ground yeast cell wall glucan composition with dermatological and nutritional uses."
12. U.S. Patent No. 5,607,677, March 4, 1997, JAMAS et al., "Glucan Drug Delivery System and Adjuvant."
13. U.S. Patent No. 5,622,940, April 22, 1997, OSTROFF et al., "Inhibition of infection-stimulated oral tissue destruction by .beta.(1,3)-glucan."
14. U.S. Patent No. 5,702,719, December 30, 1997, DONZIS et al., "Substantially purified beta (1,3) finely ground yeast cell wall glucan composition with dermatological and nutritional uses."
15. U.S. Patent No. 5,783,569, July 21, 1998, JAMAS et al., "Uses for underivatized, aqueous soluble .beta.(1-3) glucan and compositions comprising same."
16. U.S. Patent No. 5,804,199, September 8, 1998, AASJORD et al., "Oil-Based and Water-Based Adjuvant Mixture."

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Examiner	: Eric Olson		
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17. U.S. Patent No. 5,811,542, September 22, 1998, JAMAS et al.,
"Method for producing soluble glucans."
18. U.S. Patent No. 5,817,643, October 6, 1998, JAMAS et al.,
"Underivatized, aqueous soluable .beta.(1-3) glucan,
composition and method of making same."
19. U.S. Patent No. 6,020,324, February 1, 2000, JAMAS et
al., "Glucan dietary additives."
20. U.S. Patent No. 6,117,850, September 12, 2000, PATCHEN et al.,
"Mobilization of Peripheral Blood Precursor Cells by β (1,3)-
Glucan."
21. U.S. Patent No. 6,143,731, November 7, 2000, JAMAS et
al., "Glucan dietary additives."
22. U.S. Application Publication 2006/160766, July 20, 2006,
by CHEUNG, N-K, "Therapy-Enhancing Glucan"
23. European Patent No. EP 0463540B1, October 23, 1996, TAITO
CO., et al., "Anti-virus agent." [EXHIBIT 1]
24. German Patent No. DE 30 19 614 A1, December 3, 1981,
MATSUEDA et al., "Hydrolyzed polysaccharide." (English
abstract included)
25. International Publication No. WO 91/03248, March 21,
1991, ALPHA BETA TECHNOLOGY (US), "Method for immune
system activation."
26. International Publication No. WO 99/52548, October 21,
1999, LEES et al., "Conjugate Vaccines for the Prevention
of Dental Caries." [EXHIBIT 2]

Applicant	: Nai-Kong CHEUNG	Atty. Dkt. No.	: 639-B-PCT-US
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27. International Publication No. WO 03/54077, July 3, 2007, CEAPRO Inc., "Cereal Beta Glucan Compositions, Methods of Preparation and Uses Thereof." [EXHIBIT 3]
28. Supplementary Partial European Search Report, January 18, 2008, for European Application No. EP 02 70 7502, filed August 4, 2003 for SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH. [EXHIBIT 4]
29. BOWERS et al., 1989, "Glucan Enhances Survival in an Intraabdominal Infection Model", Journal of Surgical Research, Vol 47(2):183-188.
30. KOMATSU et al., 1975, "Influence of Schizophyllan, Streptomycin and Rifampicin on Histopathological changes in mice infected with Tubercle Bacilli", Japanese Journal of Antibiotics, XXVII(4):549-557. (English abstract included)
31. LUZIO, Nicholas R., 2003, "Immunopharmacology of glucan: a broad spectrum enhancer of host defense mechanisms", T.I.P.S., 344-347.
32. ROBBINS et al., 1977, "Cholesterol Lowering Effect of Dietary Yeast and Yeast Fractions", Journal of Food Science, 42 (3):694-698.
33. SONG et al., "Yeast glucan and immunotherapy of infectious diseases", Yeast glucan and immunotherapy, chapter 18, 533-545.

Applicant : Nai-Kong CHEUNG Atty. Dkt. No. : 639-B-PCT-US
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34. U.S. Office Action, February 22, 2008, for Nai-Kong V. CHEUNG, U.S. Serial No. 10/565,484 (Atty. Dkt. #639-C-PCT-US), Filed January 17, 2006. [EXHIBIT 5]

35. U.S. Office Action, March 5, 2008, for Nai-Kong V. CHEUNG, U.S. Serial No. 11/334,763 (Atty. Dkt. #639-E-US), Filed January 17, 2006. [EXHIBIT 6]

36. Chinese Office Action, May 9, 2008, for SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH, Chinese Application No. 200480020356.6 (Atty. Dkt. #639-C-PCT-CN), Filed January 16, 2006, corresponding to PCT/US04/23099. [EXHIBIT 7]

If a telephone interview would be of assistance in advancing prosecution of this application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided below. No fee is deemed necessary in connection with the filing of this SIDS. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan

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EXHIBIT 2

Detailed Action

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 6, 2008 has been entered.

This office action is a response to applicant's request for continued examination submitted June 6, 2008 wherein a supplemental information disclosure statement is submitted. This application is a continuation in part of international application PCT/US02/10276, filed January 15, 2002, which claims benefit of provisional application 60/261911, filed January 16, 2001.

Claims 193-207, 212, 219-227, and 232 are pending in this application.

Claims 193-207, 212, 219-227, and 232 as amended are examined on the merits herein.

The references submitted with Applicant's information disclosure statements, submitted June 6, 2008, have been fully considered and are not found to be the basis for any ground of rejection against the previously allowed claims.

Specifically, the references submitted include copies of office actions issued in several unrelated patent applications. The rejections made in the office action issued for application 11/334763 are not applied to the instant application because the rejected

subject matter is different from the subject matter of the previously allowed claims. The one claim in this copending application concerns compositions of a beta-glucan. No specific structure or source is required by said claim, much less a composition of the beta-glucan with an antibody. The rejections made against this claim do not concern barley beta-glucans, or glucans in combination with an antibody. It is also noted that the Yan et al. reference cited in this office action has been previously discussed in office actions of record in the instant application and found not to disclose or render obvious the instant claims.

The other US office action regarding copending application 10/535484 cites the prior art Yan et al., Herlyn et al., Suzuki et al., and Jamas et al. Suzuki et al. and Jamas et al. do not anticipate or render obvious the instant claims because they do not disclose or suggest coadministering beta-glucan with an antibody, but merely teach coadministering the glucan with a chemotherapeutic agent, which is a different type of drug having a different mechanism of action. Based on the synergism between beta glucans and chemotherapeutic agents, one of ordinary skill in the art would not have had any reason to believe that they would also exert synergistic effects with antitumor antibodies. Yan et al. and Herlyn et al. do not anticipate the claimed invention because they use a different beta-glucan derived from yeast, which has a different structure from barley beta-glucan and would not be expected to exert the same biological effects *in vivo* as the claimed glucans. Therefore the instant claims would not be obvious over either one of these reference either.

As for the additional references submitted with this office action, these references fail to teach or suggest the claimed subject matter. Specifically, they fail to teach or suggest combining beta-glucans with anti-cancer antibodies. Furthermore these references disclose yeast or fungal beta-glucans that have a pure (1,3) oligoglucose backbone with no (1,4) linkages, unlike the barley glucans required by the instant claims. The reference US PG PUB 2006/160766 discloses the claimed invention, but it is not prior art as it was published after the filing date of the instant application and cannot be cited under 35 USC 102(e) because it has the same inventive entity as the instant application. Furthermore it raises no issues of double patenting because it has not been allowed.

Allowable Subject matter

Claims 193-207, 212, 219-227, and 232 are seen to be allowable. The claimed combination of a therapeutic antibody and barley beta-glucan is not seen to be taught or fairly suggested by the prior art, as discussed above and in the previous notice of allowance submitted January 24, 2008. Applicant's information disclosure statements and the accompanying references are not seen to raise any new issues of prior art as discussed above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

EXHIBIT 3

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 4

PATENT NO. : 7,507,724 B2

APPLICATION NO.: 10/621,027

ISSUE DATE : March 24, 2009

INVENTOR(S) : Nai-Kong V. CHEUNG

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In (56) References Cited, under U.S. Patent Documents, the following references should be inserted:

3,975,553	8/1976	Griffon
4,251,519	2/1981	Robbins et al.
4,343,784	8/1982	Massot et al.
4,454,289	6/1984	Nakajima et al.
4,705,780	11/1987	Massot et al.
4,900,722	2/1990	Williams et al.
4,926,094	5/1990	Bondeson et al.
4,992,540	2/1991	Jamas et al.
5,037,972	8/1991	Jamas et al.
5,532,223	7/1996	Jamas et al.
5,576,015	11/1996	Donzis et al.
5,607,677	3/1997	Jamas et al.
5,622,940	4/1997	Ostroff et al.
5,702,719	12/1997	Donzis et al.
5,783,569	7/1998	Jamas et al.
5,804,199	9/1998	Aasjord et al.
5,811,542	9/1998	Jamas et al.
5,817,643	10/1998	Jamas et al.
6,020,324	2/2000	Jamas et al.
6,117,850	9/2000	Patchen et al.
6,143,731	11/2000	Jamas et al.
2006/160766	7/2006	Cheung

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 2 of 4

PATENT NO. : 7,507,724 B2
APPLICATION NO.: 10/621,027
ISSUE DATE : March 24, 2009
INVENTOR(S) : Nai-Kong V. CHEUNG

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In (56) References Cited, under Foreign Patent Documents, the following references should be inserted:

EP	0463540B1	10/1996
DE	30 19 614 A1	12/1981
WO	WO 91/03248	3/1991
WO	WO 99/52548	10/1999
WO	WO 03/54077	7/2007

In (56) References Cited, under Other Publications, the following references should be inserted:

Supplementary Partial European Search Report, January 18, 2008, for European Application No. EP 02 70 7502, filed August 4, 2003 for SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH.

BOWERS et al., 1989, "Glucan Enhances Survival in an Intraabdominal Infection Model", Journal of Surgical Research, Vol 47(2):183-188.

KOMATSU et al., 1975, "Influence of Schizophyllan, Streptomycin and Rifampicin on Histopathological changes in mice infected with Tubercle Bacilli", Japanese Journal of Antibiotics, XXVII(4):549-557. (English abstract included)

LUZIO, Nicholas R., 2003, "Immunopharmacology of glucan: a broad spectrum enhancer of host defense mechanisms", T.I.P.S., 344-347.

ROBBINS et al., 1977, "Cholesterol Lowering Effect of Dietary Yeast and Yeast Fractions", Journal of Food Science, 42 (3):694-698.

SONG et al., "Yeast glucan and immunotherapy of infectious diseases", Yeast glucan and immunotherapy, chapter 18, 533-545.

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INVENTOR(S) : Nai-Kong V. CHEUNG

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

(continued)

U.S. Office Action, February 22, 2008, for Nai-Kong V. CHEUNG, U.S. Serial No. 10/565,484, Filed January 17, 2006.

U.S. Office Action, March 5, 2008, for Nai-Kong V. CHEUNG, U.S. Serial No. 11/334,763, Filed January 17, 2006.

Chinese Office Action, May 9, 2008, for SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH, Chinese Application No. 200480020356.6, Filed January 16, 2006, corresponding to PCT/US04/23099.

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ISSUE DATE : March 24, 2009
INVENTOR(S) : Nai-Kong V. CHEUNG

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 5, line 4, "murin" should be -- murine --

In column 10, line 41, "They," should be -- They --

In column 37, Table 1, lines 36-38, the third and fourth column of numbers should be lined up with the third and fourth column of the table (namely "MW (kD)" and "% tumor growth" respectively)

In column 38, line 63, "400 pg" should be -- 400 µg --

In column 41, line 25, "Cytotoxic" should be -- cytotoxic --

In column 44, line 22, "an" should be -- and --

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